

THE PLANNING FINDING: How did we get to where we are?

There was no statutory requirement for a “Planning Finding” in ISTEA. FHWA/FTA developed the requirement through rulemaking. The rulemaking for ISTEA was consistent with earlier regulations (1983 Urban Planning Regulations - 23 CFR 450 and 49 CFR 613) which required a Planning Finding for TIPs and for the 105 Program (23 USC 105 - the statewide program of highway projects). TEA-21 codified the regulatory language for a Planning Finding in conjunction with STIP approval.

The requirement for a Planning Finding applies to both the TIP (23 CFR 450.330(a)) and the STIP (23 CFR 450.220(b)). While TEA-21 contains a statutory requirement for a Planning Finding associated with the STIP, it does not contain a similar statutory requirement for a Planning Finding associated with TIPs. In addition, the Planning Finding for the STIP is associated with a formal Federal action unlike the Planning Finding associated with a less formal Federal action on the TIP.

FHWA/FTA formally approve the STIP, while TIPs are accepted by FHWA/FTA without formal approval. Formal FHWA/FTA action on TIPs is limited to conformity findings on TIPs in non-attainment and maintenance areas. TIPs are approved by the MPO and the Governor and are incorporated without change into the STIP. The draft NPRM reiterates the statutory requirement for the Planning Finding in conjunction with STIP approval, and it continues the decades old regulatory requirement for a Planning Finding for TIPs.

The Planning Finding associated with the STIP is the final determination by FHWA/FTA that all of the projects in the STIP (including all projects in all TIPs) were developed through a transportation planning process which meets the requirements of Titles 23 and 49 of the USC. Certification for TMAs can generally provide the primary basis for the Planning Finding for those metropolitan (urbanized) areas over 200,000 population to ensure that the planning process is continuing, cooperative and comprehensive. For metropolitan (urbanized) areas between 50,000 and 200,000 population there is no TMA type certification. The Planning Finding associated with the TIP in these smaller urbanized areas is the only formally required planning adequacy action by FHWA/FTA. Likewise, there is no TMA type certification for the rest of the State. The Planning Finding associated with the STIP is the only formally required planning adequacy action by FHWA/FTA which covers non-metropolitan areas.

The FHWA/FTA recently reviewed field office practices in administering the Planning Finding requirement. There was significant inconsistency among field offices. The range included both extremes - from not doing the Finding, to doing a very comprehensive annual review of the planning process to support the Finding. The need for guidance from HQ was apparent, and development of guidance was recommended. A team of FTA and FHWA field staff was formed to develop guidance.